

NEW DOCKET NO. INHA0012ICO/US

(OLD DOCKET NO. 212345US22CONT)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

FELIX FRANKS ET AL

: EXAMINER: RUSSEL

SERIAL NO. 09/939,689

FILED: AUGUST 28, 2001

: GROUP ART UNIT: 1653

FOR: STORAGE OF MATERIALS

TERMINAL DISCLAIMER OVER APPLICATION NO. 09/939,688

ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

Nektar Therapeutics is the Assignee of the entire right, title and interest, in and to the invention claimed and disclosed in the above-captioned patent application. Nektar Therapeutics is the new name for the previous assignee of record, Inhale Therapeutic Systems, Inc. A copy of the change of name has been filed for recording in the Assignment Branch of the USPTO.

The Assignee hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from Application No. 09/939,688, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application number 09/939,688, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application number 09/939,688 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. I am authorized to act on behalf of the assignee.



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PATENT TRADEMARK OFFICE

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Date

Respectfully Submitted,

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